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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,007	08/20/2003	Kazunori Bannai	241318US2	4866
22850 7590 01/25/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER AL HASHIMI, SARAH	
			ART UNIT 2853	PAPER NUMBER
			NOTIFICATION DATE 01/25/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/644,007

Applicant(s)

BANNAI ET AL.

Examiner

Sarah Al-Hashimi

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 7-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1&5 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagai (US 6,108,501).

Nagai teaches:

Claim 1: adjusting a position at which one of said image carriers is irradiated with an optical beam in a sub-scanning direction to correct said color shift while said optical beam is irradiated from said optical writing device onto said image carriers to develop the latent one-color images (abs "the method and apparatus include compensation mechanisms configured to adjust the start position of writing images of respective color components in the sub-scanning direction and thereby compensating the color shift").

Claim 5: correcting a write timing at which said optical writing device writes an image; and correcting the position of the optical beam, and wherein said step of correcting a writing timing and said step of correcting the position of the optical beam are executed concurrently (abs "the method and apparatus include compensation mechanisms configured to adjust the start position of writing images of respective color components in the sub-scanning direction and thereby compensating the color shift").

Allowable Subject Matter

3. Claims 2-4,6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the allowance of claims 2-4 is the inclusion of the limitation of a color shift correction method that includes step of adjusting includes reading a pattern written on said image carriers before starting the adjustment for detecting, to detect the color shift among the developed one-color images, and adjusting the position at which the optical beam is irradiated based on the result of reading the pattern. It is this limitation found in claim 2, as it is claimed in the combination of, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

The primary reason for the allowance of claim 6 is the inclusion of the limitation of a color shift correction method that includes said step of correcting the write timing includes correcting a portion corresponding to a quotient derived by dividing an amount of misregistration by a dot pitch, and said step of correcting the position of the optical beam includes correcting a portion corresponding to a residual resulting from the dividing of the amount of misregistration by the dot pitch. It is this limitation found in claim 6, as it is claimed in the combination of, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

Response to Arguments

4. Applicant's arguments filed 11/09/2007, with respect to the rejection(s) of claim(s) 1-6 under USC 102 e have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Nagai (US 6,108,501).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(US 6,266,073) "A method and apparatus for an electrophotographic color printer".

(US 5,365,258) "a color image forming apparatus ...comprises a plurality of color image forming arrangements, each arrangement comprising: image signal processing means for processing an image signal at a particular color and for producing a modulated image signal; semiconductor laser means for emitting laser beam in accordance with said modulated image signal".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah Al-Hashimi whose telephone number is 571 272 7159. The examiner can normally be reached on M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 571 272 2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/SA/


AN H. DO
PRIMARY EXAMINER
01/19/2008